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# PROCLAMATION

*by the*

*President of the Republic of South Africa*

No. R. 54, 2014

## **SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the National Department of Public Works (hereinafter referred to as "the Department");

AND WHEREAS the Department suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Department, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act any—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees of the Department;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offences referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Department; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which has taken place between 28 November 2007 and the date of publication of this Proclamation, or which took place prior to 28 November 2007 or after the date of publication of this Proclamation, but which is relevant to, connected with, incidental to or ancillary to the matters mentioned in the Schedule or which involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including recovery of any losses suffered by the Department, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-first day of July Two thousand and fourteen.

**J G Zuma**  
President

By Order of the President-in-Cabinet:

**J T Radebe**  
Minister of the Cabinet

**SCHEDULE**

The procurement of goods and services on behalf of the Department by the Department's Prestige Directorate, in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
- (b) contrary to applicable—
  - (i) legislation;
  - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or
  - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department,

and any related unauthorised, irregular or fruitless and wasteful expenditure, incurred by the Department in relation to the following projects:

NO.	WCS NO.	PROJECT NAME
1.	WCS039328	Rondebosch: Groote Schuur La Maisonette, Erf 4615 Rondebosch
2.	WCS039326	Rondebosch: Groote Schuur Estate Avenue No. 4
3.	WCS042438	Rondebosch: 61 Klipper Road
4.	WCS045147	Mowbray: De Meule
5.	WCS045148	Oranjezicht: Gydo
6.	WCS047399	Rockyvale
7.	WCS048362	Rondebosch: Groote Schuur Estate
8.	WCS047653	Kenilworth: 18 Oak Road
9.	WCS039327	Rondebosch: Groote Schuur Estate
10.	WCS039327	Rondebosch: Groote Schuur Estate
11.	WCS041711/0002	Cape Town: Parliamentary Complex, Heritage - Tuynhuys
12.	WCS041711/0002	Cape Town: Parliamentary Complex, Heritage - Tuynhuys
13.	WCS045146	Cape Town: Acacia Park
14.	WCS045653	Cape Town: Parliamentary complex, 120 Plein street
15.	WCS048888	Cape Town
16.	WCS045661	Cape Town: Parliamentary Villages
17.	WCS049522	Cape Town: Parliamentary Complex, Heritage

**PROKLAMASIE***van die**President van die Republiek van Suid-Afrika*

No. 54, 2014

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleentheid van die nasionale Departement

van Openbare Werke (hierna na verwys as die "Departement");

EN AANGESIEN die Departement of die Staat verliese gelyk het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele verrigtinge voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;
- (b) onbehoorlike of onregmatige optrede deur die werknemers van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdrywe bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), in verband met die sake van die Departement; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 28 November 2007 en die datum van publikasie van hierdie Proklamasie, of wat plaasgevind het voor 28 November 2007 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Departement is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Een-en-twintigste dag van Julie Twee duisend-en-veertien.

**J G Zuma**  
President

Op las van die President-in-Kabinet:

**J T Radebe**  
Minister van die Kabinet

## BYLAE

Die aanskaffing van goedere en dienste namens die Departement deur die Departement se "Prestige Directorate" op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie;
- (b) strydig was met toepaslike—
  - (i) wetgewing;
  - (ii) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale